

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PAULA ENCARNACION,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 04 12021 RCL
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1

Pursuant to Local Rule 16.1, the parties propose the following Discovery Plan and Motion Schedule for the Court to consider in connection with the initial scheduling conference in this matter currently scheduled for Wednesday, May 4, 2005, at 2:30 p.m. The United States and Plaintiff's counsel have conferred by correspondence and telephone on April 19, 2005 and dates following.

Concise Statement of Plaintiff's Claims

Defendant's driver negligently backed mail truck into Plaintiff's stopped vehicle. Defendant's driver had decided to change directions which precipitated backing up truck. Injury suffered by Plaintiff is documented by medical records.

Concise Statements of Defendant's Claims

The Plaintiff rear ended a stopped postal vehicle. Moreover, there appears to be no dispute that this collision occurred at speeds less than 5 m.p.h. and the Plaintiff's claimed injuries are, at best, highly questionable.

Proposed Schedule

<u>Event</u>	<u>Deadline</u>
Completion of Written Fact Discovery and Depositions	October 21, 2005
Rule 26(a)(2)(B) Disclosure of Trial Experts by the Plaintiff	November 21, 2005
Rule 26(a)(2)(B) Disclosure of Trial Experts by the Defendant	December 21, 2005
Completion of Expert Discovery, if Any,	February 28, 2006
Deadline for Filing Dispositive Motions	April 7, 2006
Final Pretrial Conference	To be scheduled by the Court
Trial	To be scheduled by the Court

Certification

The parties have filed the certification Local Rule 16.1 requires.

Conference with Counsel

Pursuant to Local Rule 16.1(B) and Fed.R.Civ.P. 26(f), counsel for the parties have conferred.

For the plaintiff,
MCCARTHY, BARRETT & NORTON

For the defendants,
MICHAEL J. SULLIVAN
UNITED STATES ATTORNEY

/s/ Andrew Barrett by MJG

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